

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INGENUS PHARMACEUTICALS, LLC,

Plaintiff,

v.

HETERO USA, INC., HETERO LABS LTD., and
HETERO LABS LTD. UNIT-VI,

Defendants.

C.A. No. 1:24-cv-01025-JLH

**DEFENDANTS HETERO USA, INC., HETERO LABS LTD., AND
HETERO LABS LTD. UNIT-VI'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to the District Court's July 3, 2025, and July 16, 2025, oral orders (*see* D.I. 68) granting Defendants Hetero USA, Inc., Hetero Labs Ltd., and Hetero Labs Ltd. Unit-VI (collectively, "Hetero" or "Defendants") leave to file a summary judgment motion in this case, Hetero hereby moves for summary judgment of invalidity of U.S. Patent No. 10,993,952 ("the '952 patent"). Under Federal Circuit law, "once the claims of a patent are held invalid in a suit involving one alleged infringer, an unrelated party who is sued for infringement of those claims may reap the benefit of the invalidity decision under the principles of collateral estoppel." *See Pharmacia & Upjohn Co. v. Mylan Pharms., Inc.*, 170 F.3d 1373, 1379 (Fed. Cir. 1999) (quoting *Mendenhall v. Barber-Greene Co.*, 26 F.3d 1573, 1577 (Fed. Cir. 1994)).

Because all of the claims of the '952 patent—the sole patent asserted against Hetero in this case—have been held invalid by another court, Hetero requests that the Court grant this motion, holding that the '952 patent is invalid as a matter of law, and enter a judgment for Defendants on Count 1 of Plaintiffs' Complaint (D.I. 1) and on Count II of Defendants' Counterclaims (D.I. 57). A proposed Order is filed concurrently with this motion

Dated: July 24, 2025

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[PROPOSED] ORDER ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

At Wilmington, on this ____ day of _____, 2025;

The Court having considered the briefing on Defendants' Motion for Summary Judgment;

IT IS HEREBY ORDERED THAT the Motion is GRANTED:

1. The Court enters judgment for Defendants on Count 1 of Plaintiffs' Complaint (D.I. 1) and finds that Defendants do not infringe the '952 patent; and
2. The Court enters judgment for Defendants on Count II of Defendants' Counterclaims (D.I. 57) and finds that the '952 patent is invalid.

The Honorable Jennifer L. Hall
United States District Judge